

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Clyde Dial, Jr**

**Docket No. 7:02-CR-90-1F**

**Petition for Action on Supervised Release**

COMES NOW Mark Culp, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Clyde Dial, Jr, who, upon an earlier plea of guilty to Distribution of at Least 5 Grams of Crack Cocaine (Base) in violation of 21 U.S.C. § 841(a)(1) and Possession of Firearms by a Convicted Felon in violation of 18 U.S.C. § 922(g)(1), was sentenced by the Honorable James C. Fox, Senior U.S. District Judge on March 17, 2003, to the custody of the Bureau of Prisons for a term of 176 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months. Clyde Dial Jr was released from custody on December 9, 2014, at which time the term of supervised release commenced.

As a result of testing positive for marijuana on April 7, 2015, April 17, 2015, and May 11, 2015, the defendant was ordered to serve one weekend in jail. A violation report was submitted to the court reporting the defendant had submitted a urine sample on May 20, 2015, that was positive for marijuana use. An additional violation report was submitted to the court reporting the defendant had submitted a urine sample on June 5, 2015, that was positive for marijuana use.

On August 11, 2015, and August 24, 2015, the defendant submitted urine samples that were returned positive for the use of marijuana. A Motion for the Revocation was submitted to the court and a warrant was issued for the defendant. The defendant appeared before the Honorable James C. Fox on November 5, 2015, for the purpose of a Revocation of Supervised Release Hearing due to illicit drug use. The court ordered that the defendant be continued on supervision.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** This defendant submitted a urine sample on April 18, 2016, which tested positive for marijuana. When confronted with the results on May 24, 2016, the defendant admitted to the use and signed an admission form. At this time, this office would recommend a sanction of 2 days in the custody of the Bureau of Prisons.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Eddie J. Smith  
Eddie J. Smith  
Supervising U.S. Probation Officer

/s/ Mark Culp  
Mark Culp  
U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28301-5730  
Phone: 910-354-2543  
Executed On: May 25, 2016

**ORDER OF THE COURT**

Considered and ordered this 26 day of May, 2016 and ordered filed and  
made a part of the records in the above case.

James C. Fox  
James C. Fox  
Senior U.S. District Judge